

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARGARITA ROSSY, as Administrator of the
ESTATE OF JOSE HERNANDEZ-ROSSY

Plaintiff,

-vs-

Case No. 17-CV-0937
COURT ORDER

CITY OF BUFFALO, and its agents, servants and employees, and
BUFFALO POLICE DEPARTMENT P.O. JUSTIN TEDESCO,
BUFFALO POLICE DEPARTMENT P.O. JOSEPH ACQUINO,
and POLICE COMMISSIONER DANIEL DERENDA,
Individually and in their representative capacities, and
AMERICAN MEDICAL RESPONSE d/b/a "AMR"
And its agents, servants and employees,

Defendants.

**ORDER COMPELLING NON- PARTY
WITNESS DEPOSITION OF
MARK VAN DUSEN**

(Fed. R. Civ. P. 37(a))

This matter came before the Court on the motion of Plaintiff MARGARITA ROSSY, as Administrator of the ESTATE OF JOSE HERNANDEZ-ROSSY to compel the appearance and testimony of MARK VAN DUSEN as a non-party witness for his deposition testimony. After considering that motion, and the prior proceedings in the case, and there being no opposition thereto, the Court finds that the motion should be Granted.

IT IS THEREFORE ORDERED THAT:

1. MARK VAN DUSEN, a non-party witness in the captioned case shall appear and give testimony at his deposition in this cause, on dates to be selected by counsel for

Plaintiff MARGARITA ROSSY, as Administrator of the ESTATE OF JOSE HERNANDEZ- ROSSY and to be conducted at the Law Office of Nelson S. Torre, Esq., 438 Main St., 9th Floor, Suite 910, Buffalo, New York 14202.

2. The non- party witness MARK VAN DUSEN is admonished that the failure to comply with the terms of this Court Order and accompanying Subpoena may result in severe sanctions, including contempt of court penalties, fines, and/or imprisonment.

3. Counsel for the Plaintiff MARGARITA ROSSY, as Administrator of the ESTATE OF JOSE HERNANDEZ- ROSSY shall prepare the Subpoena for service upon the non-party witness MARK VAN DUSEN to appear and give testimony at the deposition as ordered herein.

4. A true copy of this Order Compelling the non-party deposition of MARK VAN DUSEN and the Subpoena shall be served upon the non-party witness MARK VAN DUSEN by the United States Marshal for the Western District Of New York.

Dated: November 13, 2019
Buffalo, New York

SO ORDERED:


HON. H. KENNETH SCHROEDER, JR.
United States Magistrate Judge